



RE: South Plainfield Settlement
Kautsky, Peter (ENRD)

to:
Sanoff, Robert, Sarah Flanagan
09/20/2011 05:34 PM

Cc:
"Ettinger, Jonathan"

Hide Details

From: "Kautsky, Peter (ENRD)" <Peter.Kautsky@usdoj.gov>

To: "Sanoff, Robert" <RSS@foleyhoag.com>, Sarah Flanagan/R2/USEPA/US@EPA,

Cc: "Ettinger, Jonathan" <JETtinger@foleyhoag.com>

Robby, thanks for sending that along and yes, I had seen it. Although I don't agree that our CD contains the same language, we are on this and I hope and expect we will have an answer for you by the time of our call. Thanks again. Peter

Peter Kautsky
Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Ben Franklin Station
Washington, DC 20044
(202) 514-3907 (phone)
(202) 616-2427 (fax)

This e-mail, including attachments, contains information that is confidential and it may be protected by the attorney/client or other privileges. This e-mail, including attachments, constitutes non-public information intended to be conveyed only to the designated recipient(s). If you are not an intended recipient, please delete this e-mail, including attachments, and notify me by return mail, e-mail or at (202) 514-3907. The unauthorized use, dissemination, distribution, or reproduction of this e-mail, including attachments, is prohibited and may be unlawful.

From: Sanoff, Robert [<mailto:RSS@foleyhoag.com>]
Sent: Tuesday, September 20, 2011 5:05 PM
To: Kautsky, Peter (ENRD); 'Flanagan.Sarah@epamail.epa.gov'
Cc: Ettinger, Jonathan
Subject: South Plainfield Settlement

Confidential -- For Settlement Purposes Only

Peter and Sarah -- I assume you've seen the attached case, US v. Great American Financial Resources from the DisneyWorld district (Orlando, FL) declining to enter a CERCLA consent decree even though there were no objectors. The Court found that some of the Consent Decree language was unfair to the settling PRP. Since our draft Consent Decree contains the same "objectionable" language, I was wondering if you wanted to consider changing it to avoid giving an easy issue to any objector in our case? In any event, I wanted to make sure that you knew about the case and what response the government was going to make.

Best regards,
Robby

Robert S. Sanoff

Foley Hoag LLP

155 Seaport Blvd
Boston, MA 02210
Office: 617 832-1152
Cell: 617 930-2848

United States Treasury Regulations require us to disclose the following: Any tax advice included in this document and its attachments was not intended or written to be used, and it cannot be used, for the purpose of avoiding penalties under the Internal Revenue Code.

This email message and any attachments are confidential and may be privileged. If you are not the intended recipient, please notify Foley Hoag LLP immediately -- by replying to this message or by sending an email to postmaster@foleyhoag.com -- and destroy all copies of this message and any attachments without reading or disclosing their contents. Thank you.

For more information about Foley Hoag LLP, please visit us at www.foleyhoag.com.